

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BILL CEPERO #94730,

Plaintiff,

vs.

DOUGLAS GILLESPIE, *et al.*,

Defendants.

Case No. 2:11-cv-1401-GMN-CWH

**ORDER AND REPORT AND
RECOMMENDATION**

This matter comes before the Court on Plaintiff's Motion for Leave to Proceed In Forma Pauperis (#5), filed November 21, 2011, and Plaintiff's Motion to Receive Free Copies (#7), filed December 1, 2011.

It appears that the complaint in this matter is duplicative of the complaint filed in 2:11-cv-1421-GMN-GWF. Each complaint names the same individuals as defendants and makes the same factual and legal claims. The complaint filed in case number 2:11-cv-1421-GMN-GWF has been screened (*see* Order adopting Magistrate Judge George Foley, Jr.'s Report and Recommendation (#19)) and Plaintiff's motion to receive free copies (#13) has been granted (*see* Order (#14)). Because the duplicative complaint in case number 2:11-cv-1421-GMN-GWF has been screened and the request for copies addressed therein, the Court will deny Plaintiff's motion to receive free copies (#7) in this case and recommend that this case be closed. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Receive Free Copies (#7) is **denied as moot**. Plaintiff's request has already been approved in the duplicative case 2:11-cv-1421-GMN-GWF.

RECOMMENDATION

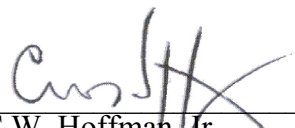
IT IS HEREBY RECOMMENDED that Plaintiff's Motion for Leave to Proceed In

1 Forma Pauperis (#5) be **dismissed**. The claims set forth therein are duplicative of the claims set
2 forth in case number 2:11-cv-1421-GMN-GWF. That case is ongoing and is not affected by this
3 dismissal.

4 **NOTICE**

5 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
6 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
7 held that the courts of appeal may determine that an appeal has been waived due to the failure to
8 file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit
9 has also held that (1) failure to file objections within the specified time and (2) failure to properly
10 address and brief the objectionable issues waives the right to appeal the District Court's order
11 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
12 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

13 DATED this 28th day of December, 2011.

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16 C.W. Hoffman, Jr.
17 United States Magistrate Judge
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